

REMARKS

In the Office Action mailed November 16, 2004 the Examiner noted that claims 1-28 were pending, allowed claim 11 and rejected claims 1-10 and 12-28. The Examiner's rejections are traversed below.

Page 4 of the Office Action rejects claims 1-10 and 12-28 under 35 U.S.C. § 103 over Popa and Fredlund.

An interview was conducted with the Examiner on February 15, 2005 and the discussion below addresses the substance of the interview.

As discussed with the Examiner, the present invention is involved with the "gamut" or range of colors of an image. The gamut or range of colors is very different from the Popa spatial resolution of an image or the number of dots per inch that can be produced when reproducing an image (see Popa, col. lines 4-15, col. 6, lines 22-31 & col. 18, lines 22-25). The range of colors or gamut is also very different from the Popa color resolution or the number of colors that can be represented by a pixel of the image (see col. 6, line 27, col. 11, lines 10-13, col. 18, lines 42-43). Popa is directed to a system that is designed to send to a user over a communication facility only what is needed, so that communication or download will be fast. For example, if the user wants a small image, a low spatial resolution image ("72 dpi") is sent rather than a high spatial resolution image ("1200 dpi"). If the user wants a fast image, a low color quality or low resolution image (low number of colors) image can be sent (8-bit color rather than 24-bit color). If the user only requires one of the colors of the image, only the red plane pixels are specified to be sent by indicating the color plane number - "1-red" (Popa, col. 4, lines 60-66).

In contrast, the present invention (see claim 1, for example) is directed to providing the user with an image with a low range of colors ("limited color gamut digital image") or an image with a high range of colors ("extended color gamut digital image" = "limited color gamut digital image" plus "residual") depending on whether the user has made a "payment" to obtain the residual to create the high color range image. Either of these images, the low or high color range images, can be provided as a low or high spatial resolution image or a low or high color resolution image as discussed in Popa. That is, Popa can be used with the present invention to send a low spatial resolution (Popa), low color resolution, (Popa), high color range image (the "extended color gamut digital image"). Popa does not teach or suggest the present invention but could be used to complement the present invention.

Fredlund, as discussed with the Examiner says nothing about gamut or gamut residuals.

As discussed with the Examiner in the interview, the prior art does not teach or suggest the present claimed invention.

It is submitted that the invention of independent claims distinguishes over the prior art and withdrawal of the rejection is requested.

The dependent claims depend from the above-discussed independent claims and are patentable over the prior art for the reasons discussed above. The dependent claims also recite additional features not taught or suggested by the prior art. For example, claim 7 emphasizes that the limited gamut is that of a particular device dependent color space. Popa mentions color spaces (Popa, col. 5, line 49) but says nothing about providing a limited range of colors associated with a device dependent color space. Nothing in the prior art teaches or suggests this. It is submitted that the dependent claims are independently patentable over the prior art.

It is submitted that the claims are not taught, disclosed or suggested by the prior art. The claims are therefore in a condition suitable for allowance. An early Notice of Allowance is requested.

If any further fees, other than and except for the issue fee, are necessary with respect to this paper, the U.S.P.T.O. is requested to obtain the same from deposit account number 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: _____

3/1/5

By: _____



J. Randall Beckers
Registration No. 30,358

1201 New York Ave, N.W., Suite 700
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501